

**Hobart and William Smith Colleges are committed to providing employees who have disabilities with reasonable accommodation that ensure equal opportunities to fully participate in the workplace, programs, and activities. Employees in need of assistance or accommodation should start by contacting Human Resources.**

## **Policies**

### **REASONABLE ACCOMMODATIONS FOR EMPLOYEES WITH DISABILITIES**

It is the policy of the Colleges to provide reasonable accommodations for qualified individuals with a disability who are employees or applicants for employment. The Colleges are committed to complying with the Americans with Disabilities Act (ADA), the New York State Human Rights Law (NYHRL), and all applicable laws prohibiting discrimination in employment against qualified individuals with disabilities. The Colleges will reasonably accommodate qualified individuals with known disabilities unless doing so would result in undue hardship to the Colleges. Volunteering information about a disability will not subject an employee or applicant to any adverse treatment or penalty. All information concerning disabilities will be considered confidential and will be released only in accordance with the ADA and the NYHRL.

### **Getting Started: How to Request Workplace Accommodations**

1. ***If you are a faculty or staff member with a disability*** who would like to request an accommodation, please direct your request to Tabatha Spinner, Director of Human Resources, by email at [spinner@hws.edu](mailto:spinner@hws.edu).
2. While you can request an accommodation in many ways, including verbally and through e-mail, it is best to complete the Accommodation Request Form, [https://www.hws.edu/offices/hr/pdf/accomodation\\_request\\_form.pdf](https://www.hws.edu/offices/hr/pdf/accomodation_request_form.pdf), to gather the information necessary to make your request.

### **Process for completion of the Accommodation Request form**

Submit the **Accommodation Request Form**, found here, [https://www.hws.edu/offices/hr/pdf/accomodation\\_request\\_form.pdf](https://www.hws.edu/offices/hr/pdf/accomodation_request_form.pdf), to their healthcare/medical provider, including a current job description listing their essential job functions. This form is treated as confidential information and will only be shared on an as-needed basis with those individuals determining reasonable accommodation.

The form must include the following:

1. A diagnosis of the disability, which is an impairment and/or condition that substantially limits a major life activity for six months or longer, which may include having a record of such an impairment or being regarded as having such impairment.
2. Temporary adjustments are also available for individuals with short-term impairments, such as those due to accident or injury.

## **Interactive Process**

Once the Colleges is made aware of a disability or concern about an employee's ability to perform the essential functions of their job, Human Resources may reach out to the employee to engage in a collaborative dialogue to assist in determining a reasonable accommodation.

## **The Accommodations Verification or Denial Email with next steps**

1. Employees who request an accommodation will receive a decision regarding their accommodation request via email. This email will list the employee's approved accommodations, and a copy sent to the employee's supervisor.
2. Supervisors should respond to Tabatha Spinner, Director of Human Resources, [spinner@hws.edu](mailto:spinner@hws.edu), with their understanding of the accommodation and plan for implementation.
3. All documentation submitted to Human Resources is used to verify eligibility for services and support reasonable accommodations. An individual file is created for each employee and is housed securely. Documentation is not shared with other HWS departments.

## **Appeals Process**

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the ADA as Amendments Act (ADAAA), and the College's commitment to equal access for people with disabilities, an appeal process has been established for individuals who believe they have been denied reasonable accommodations.

If there is a dispute as to whether an employee has a disability or whether the documentation provided is adequate, if the HR and the employee with a disability cannot agree on a Reasonable Accommodation, or an accommodation is denied, the employee may begin the appeals process by submitting a Letter of Appeal to the Associate Vice President of Human Resources within thirty (30) business days of the date of the decision.

The Letter of Appeal must include:

1. Name and Employee ID number
2. Basis for the appeal
3. The remedy or relief sought
4. Any supporting information

The AVP of HR will review the appeal, decide and notify the employee of the determination in writing within 10 business days of the receipt of the appeal.

## Resources

### Employee Assistance Program (EAP)

The Colleges provide confidential referral services to benefits eligible administrative hourly and salaried employees and their eligible dependents through NexGen EAP ([www.nexgeneap.com](http://www.nexgeneap.com)) a service provided by ENI.

Service provided by the program: counseling services, child/elder care resources, legal and financial consultations, concierge services among other resources. Participants' right to privacy is fully protected by law and the College's EAP policy. Employees may contact the EAP at 800-327-2255, or the Office of Human Resources for related literature.

### Job Accommodation Network



Contact the [Job Accommodation Network \(JAN\)](#), an ODEP-funded technical assistance center, providing free, expert, and confidential guidance on workplace accommodations.

### Other resources on reasonable accommodations

- [JAN Accommodation Information by Disability: A to Z](#)
- [JAN Searchable Online Accommodations Resource \(SOAR\)](#)
- [Accommodations Solutions from the Computer/Electronic Accommodations Program \(CAP\)](#)
- [A Planning Guide for Making Temporary Events Accessible to People With Disabilities](#)
- [Disability Discrimination & Reasonable Accommodation](#)
- [Reasonable Accommodations and Job Applicants](#)
- [Small Employers and Reasonable Accommodation](#)
- [Accessible Technology Action Steps: A Guide for Employers](#)
- [The Employer Assistance and Resource Network on Disability Inclusion \(EARN\) — Reasonable Accommodations Information](#)
- [Employees' Practical Guide to Requesting and Negotiating Reasonable Accommodations Under the Americans with Disabilities Act \(ADA\)](#)
- [Telework as a Reasonable Accommodation](#)